



October 4, 2010

The Honorable Bobby L. Rush
Chairman, Subcommittee on Commerce, Trade, and Consumer Protection
Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Ed Whitfield
Ranking Member, Subcommittee on Commerce, Trade, and Consumer Protection
Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Rush and Ranking Member Whitfield:

We, the undersigned companies, have long supported the passage of broad U.S. federal privacy legislation, as we believe a comprehensive framework is necessary to ensure consumer privacy and trust in their use of technology. We support the recently introduced BEST PRACTICES Act of 2010, H.R. 5777, and urge policy makers to enact a comprehensive framework to protect consumer privacy. We appreciate the work done by Chairman Rush in this area which built upon the discussion draft offered earlier this year by Chairman Boucher and Ranking Member Stearns.

We support the bill's overall framework, which is built upon the Fair Information Practices regime. We appreciate that the BEST PRACTICES Act is technology neutral and gives flexibility to the Federal Trade Commission to adapt to changes in technology. The bill also strikes the appropriate balance by providing businesses with the opportunity to enter into a robust self-regulatory choice program.

We recommend that the provision creating a private right of action be removed, as it would create unnecessary litigation costs and uncertainty for businesses, but would not have a corresponding benefit to consumer privacy. We look forward to working with you to refine this and other provisions in the bill as needed to help move forward privacy legislation that will provide consumers with robust protections.

We are supportive of the direction of the BEST PRACTICES Act, and we look forward to continuing our engagement to improve the effectiveness of the U.S. legal framework and the overall protection of privacy.

Sincerely,

David A. Hoffman
Director of Security Policy and
Global Privacy Officer
Intel Corporation

Fred Humphries
Vice President
US Government Affairs
Microsoft Corporation

Scott R. Shipman
Associate General Counsel
Global Privacy Leader
eBay Inc.